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January 21, 2010

Via U.S. Mail

The Hon. J. Frederick Motz
United States District Court
for the District of Maryland
101 W. Lombard St.
Baltimore, MD 21201

**Re: MDL-15862-JFM-In re Mutual Funds Investment
Litigation (Bank of America sub-track) (D. Md.)**

Dear Judge Motz:

I write on behalf of Plaintiffs in an action brought in the U.S. District Court for the Western District of North Carolina (*David v. Alphin*, Case No. 3:07-cv-00011-RJC-DLH) against Bank of America Corporation and related parties. We filed a motion to intervene in the Bank of America sub-track of the instant case on June 11, 2009 (Dkt. No. 1212). That motion is currently pending before the Court. We filed the motion because we are concerned that a settlement of an action pending in this sub-track filed by Katrina McKoy against Bank of America (Dkt. No. 293) may purport to settle claims brought in the North Carolina action.

I am writing now because a schedule of settlement proceedings filed on the docket (Dkt. No. 1249) indicates that on January 28, 2010 there will be a conference in the Courthouse regarding "any remaining issues concerning settlements." Our pending motion to intervene is a remaining issue concerning the settlement. We respectfully request the Court to rule on that motion before settlement proceedings progress further.

It is not our present intent to appear at the January 28 conference,
but we will appear if the Court wants us there.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Gregory Y. Porter". The signature is written in dark ink and is positioned above the printed name.

Gregory Y. Porter.

CC (via ecf): Counsel of record